

TROY LAW, PLLC
John Troy (JT 0481)
41-25 Kissena Boulevard Suite 119
Flushing, NY 11355
Tel: (718) 762-1324
*Attorney for the Plaintiff, proposed FLSA Collective and
potential Rule 23 Class*

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

-----X

LIYOU XING,
*on their own behalf and on behalf of others similarly
situated, and*

Plaintiffs,
v.

Case No. 18-cv-06616

MAYFLOWER INTERNATIONAL HOTEL GROUP
INC

d/b/a Mayflower Hotel and
d/b/a Wyndham Garden;

MAYFLOWER BUSINESS GROUP, LLC

d/b/a Mayflower Hotel and
d/b/a Wyndham Garden;

MAYFLOWER INN CORPORATION

d/b/a Mayflower Hotel and
d/b/a Wyndham Garden;

MAYFLOWER WENYU LLC

d/b/a Mayflower Hotel and
d/b/a Wyndham Garden;

YAN ZHI HOTEL MANAGEMENT INC.

d/b/a Mayflower Hotel and
d/b/a Wyndham Garden;

MAYFLOWER 1-1 LLC

d/b/a Mayflower Hotel and
d/b/a Wyndham Garden;

YUEHUA HU,

WEI HONG HU a/k/a Weihong Hu, and

XIAOZHUANG GE

Defendants.

-----X

29 U.S.C. § 216(b)
COLLECTIVE ACTION &
FED. R. CIV. P. 23 CLASS
ACTION

**AFFIDAVIT OF LOI WING
KIT IN SUPPORT OF
PLAINTIFF'S MOTION FOR
CONDITIONAL
COLLECTIVE
CERTIFICATION**

I, LOI WING KIT, being duly sworn and under penalty of perjury, deposes and states as follows:

1. I am a resident of Queens, New York, and I am over 18 years of age.

2. I have personal knowledge of the matters stated below.
3. From on or about August 01, 2014 to June 30, 2015, I worked as a Construction Worker employed by Defendants to work at the Howard Johnson Hotel at 38-59 12th Street, Long Island City, NY 11101.
4. From on or about July 03, 2015 to August 15, 2017, I worked as a Construction Worker and Mechanic employed by Defendants to work at the Mayflower Hotel at 61-27 186th Street, Fresh Meadows, NY 11365.
5. From on or about August 01, 2014 to June 30, 2015, my regular work schedule ran from 09:00 to 18:00 with one (1) hour meal break from 12:00 to 13:00 for eight (8) hours a day, five (5) days a week for a total of 41.8 hours each week.
6. From on or about July 03, 2015 to March 01, 2017, my regular work schedule ran from 07:00 to 16:00 with one (1) hour meal break from 12:00 to 13:00 for eight (8) hours a day, six(6) days a week. Besides that I need to worked overtime for four (4) hours a week for a total of 52 hours each week.
7. From on or about March 02, 2017 to July 23, 2017, my regular work schedule ran from 09:00 to 18:00 with one (1) hour meal break from 12:00 to 13:00 for eight (8) hours a day, five (5) days a week. Besides that I need to worked overtime for one (1) hours a week for a total of 41 hours each week.
8. However, I was not paid for all hours worked at all relevant times.
9. At all relevant times, I was paid a flat compensation at a rate of one hundred and sixty dollars (\$160.00) per day.
10. Over the course of her employment, Defendants missed my payments amounting to three thousand and seven hundred dollars (\$3,700.00).

11. At all relevant times, I was not paid overtime pay for overtime work.
12. At all relevant times, I was never informed of my hourly pay rate.
13. Throughout my employment, I was not given a statement with his weekly payment reflecting employee's name, employer's name, employer's address and telephone number, employee's rate or rates of pay, any deductions made from employee's wages, any allowances claimed as part of the minimum wage, and the employee's gross and net wages for each pay day in Chinese, my native language.
14. Throughout my employment, I was not compensated at least at one-and-one-half his promised hourly wage for all hours worked above forty (40) in each workweek.
15. Throughout my employment, I was not compensated for New York's "spread of hours" premium for shifts that lasted longer than ten (10) hours at his promised rate.
16. I know that it is Defendants' policy to not pay any employee at time and a half rate for all of their overtime hours. I know this because I have talked with other employees, who has the same or similar working schedule as me, and was told that they were also not paid for the total amount of time they have worked, nor compensated for all of their overtime hours worked.
17. During my employment I befriended some of the co-workers who worked for Defendant suffered same practice and policy.
18. I know a co-worker who worked as construction worker at the Howard Johnson Hotel at 38-59 12th Street, Long Island City, NY 11101. We referred him as "Da Han"
19. Da Han is about fifty years old and around 1.7 meters' height. He is from Fuzhou, Fujian Province, China originally.
20. Da Han started working for the Defendants from on and about 2013, terminated on or about August or September, 2014.
21. During his employment, Da Han's working schedule ran from 7:30 to 16:30 with one-hour break from 12:00-13:00 for 6.5 days a week. Throughout his employment with the Defendants he worked around 52 hours a week.

22. I know Da Han's schedule because we worked together every day during his employment.
23. I know another co-worker who worked as construction worker at the Howard Johnson Hotel at 38-59 12th Street, Long Island City, NY 11101 and the Wyndham Garden Hotel at 61-27 186th Street, Fresh Meadows, NY 11365 named Tianjing Lin.
24. Tianjing Lin is about fifty years old and around 1.7 meters' height. He is from Fuzhou, Fujian Province, China originally.
25. Tianjing Lin started working for the Defendants from on and about 2013, terminated on or about November or December, 2015.
26. During his employment, Tianjing Lin's working schedule ran from 7:30 to 16:30 with one-hour break from 12:00-13:00 for 6.5 days a week. Throughout his employment with the Defendants he worked around 52 hours a week.
27. I know Tianjing Lin's schedule because we worked together every day during his employment.
28. I know Tianjing Lin was paid at the rate of \$140 per day.
29. I know this because Tianjing Lin told me that when we had a rest together during working time.
30. I know another co-worker who worked as mechanic at the Howard Johnson Hotel at 38-59 12th Street, Long Island City, NY 11101 and the Wyndham Garden Hotel at 61-27 186th Street, Fresh Meadows, NY 11365 named Chenjie Li.
31. Chenjie Li is about fifty years old and around 1.78 meters' height. He is from Fuzhou, Fujian Province, China originally.
32. Chenjie Li started working for the Defendants from on and about 2013, terminated on or about November or December, 2015.
33. During his employment, Chenjie Li's working schedule ran from 7:30 to 16:30 with one-hour break from 12:00-13:00 for 6.5 days a week. Throughout his employment with the Defendants he worked around 52 hours a week.
34. I know Chenjie Li's schedule because we worked together every day during his employment.
35. I know Chenjie Li was paid at the rate of \$150 per day.

36. I know this because Chenjie Li told me that when we had a lunch together during his employment.
37. I know another co-worker who worked as mechanic at the Howard Johnson Hotel at 38-59 12th Street, Long Island City, NY 11101 and the Wyndham Garden Hotel at 61-27 186th Street, Fresh Meadows, NY 11365 named Guihai Liang.
38. Guihai Liang is about fifty years old and around 1.70 meters' height. He told me he is from Shenyang Province, China originally.
39. Guihai Liang started working for the Defendants from on and about 2015, terminated on or about November or December, 2018.
40. During his employment, Guihai Liang's working schedule ran from 7:30 to 16:30 with one-hour break from 12:00-13:00 for 6.5 days a week. Beside that, he need to worked overtime for around two house per day. Throughout his employment with the Defendants he worked around 64 hours a week.
41. I know Guihai Liang's schedule because we worked together every day during his employment.
42. I know Guihai Liang was paid at the rate of around \$180-200 per day.
43. I know this because once another Defendant's employee, Yong Luo told me that when we installed pipes together for Wyndham Garden Hotel in end of 2016. Yong Luo said he had saw the paystub of Guihai Liang when he picked checks.
44. I know another co-worker who worked as mechanic at the Wyndham Garden Hotel at 61-27 186th Street, Fresh Meadows, NY 11365 named Yong Luo.
45. Yong Luo is about fifty years old and around 1.80 meters' height. He told me he is from Shenyang Province, China originally.
46. Yong Luo started working for the Defendants from on and about 2015, terminated on or about January, 2017.
47. During his employment, Yong Luo's working schedule ran from 7:30 to 16:30 with one-hour break from 12:00-13:00 for 6.5 days a week. Throughout his employment with the Defendants he worked around 52 hours a week.

48. I know Yong Luo's schedule because we worked together every day during his employment.
49. I know Yong Luo was paid at the rate of around \$160 per day.
50. I know this because Yong Luo told me that when we work together during his employment.
51. I know another co-worker who worked as mechanic at the Wyndham Garden Hotel at 61-27 186th Street, Fresh Meadows, NY 11365 named Li Chen.
52. Li Chen is fifty-two or fifty-three years old and around 1.68 meters' height. He told me he is from Shenyang Province, China originally.
53. Li Chen started working for the Defendants from on and about December, 2015, terminated on or about January, 2017.
54. During his employment, Li Chen's working schedule ran from 7:30 to 16:30 with one-hour break from 12:00-13:00 for 6.5 days a week. Beside that, he need to worked overtime for around two house per day. Throughout his employment with the Defendants he worked around 64 hours a week.
55. I know Li Chen's schedule because we worked together every day during his employment.
56. I know Li Chen was paid at the rate of around \$180 per day.
57. I know this because once I saw Li Chen's check when he was paid in June, 2016.
58. I know another co-worker who worked as construction worker at the Wyndham Garden Hotel at 61-27 186th Street, Fresh Meadows, NY 11365 named Mingchao Cai.
59. Mingchao Cai is fifty-two years old and around 1.72 meters' height. He told me he is from Guangdong Province, China originally.
60. Mingchao Cai started working for the Defendants from on and about September, 2015, terminated on or about February, 2016.
61. During his employment, Mingchao Cai's working schedule ran from 7:30 to 16:30 with one-hour break from 12:00-13:00 for 6.5 days a week. Throughout his employment with the Defendants he worked around 52 hours a week.
62. I know Mingchao Cai's schedule because we worked together every day during his employment.

63. I know Mingchao Cai was paid at the rate of around \$120 per day.

64. I know this because I referred Mingchao Cai to Defendant. When Mingchao Cai was hired, boss Xiaozhuang Ge's cousin told me Mingchao Cai's rate.

65. I sincerely believe there are other employees who are also other employees paid less and are not paid for all the hours they worked for the Defendants.

66. I sincerely hope that this Court allows me to represent the interest of my co-workers in this action. These Defendants exploited me and my co-workers, and it is my hope that we will be permitted to recover wages that we are owed.

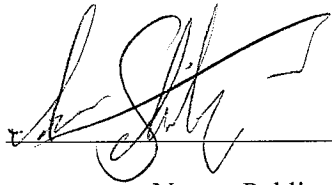
67. This has been translated into my native language of Chinese and I understand the contents.

Dated: 03/16/2019

Flushing, NY

Wing Kit Loi
Loi, Wing Kit

Sworn to me this 16 day of March, 2019



Notary Public

AARON B. SCHWEITZER
Notary Public, State of New York
No. 02SC6380865
Qualified in Nassau County
Commission Expires Sept. 17, 2022